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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-first session

Summary record (partial)* of the 1314th meeting
Held at the Palais des Nations, Geneva, on Friday, 10 July 2015, at 3 p.m.

Chairperson: Ms. Hayashi

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Viet Nam (continued) (CEDAW/C/VNM/7-8; CEDAW/C/VNM/Q/7-8 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Viet Nam took places at the Committee table.*

Articles 10 to 14

2. **Mr. Tran** Kim Tu (Viet Nam) said that his Government was making changes to Vietnamese textbooks, based on a gender assessment that had revealed a number of problems, including stereotypes and an uneven gender balance. The Government had allocated sufficient resources for the appropriate revision of textbook content, including the elimination of stereotyped concepts, with a total of approximately US$ 40 million for research, assessment, evaluation and monitoring.

3. Regarding education beyond the areas traditionally chosen by women such as cooking and tailoring, assumptions that many of the Government's programmes, were exclusively for women were incorrect. Men also took part in those programmes.

4. The literacy rate of ethnic minority women between the ages of 15 and 60 was 98.2 per cent. The Government had established a national programme to eradicate illiteracy, targeting vulnerable groups, disadvantaged groups, including ethnic minorities, and women and girls, and it had allocated adequate funding to that programme. It had also published textbooks in a number of ethnic minority languages, but had found it difficult to do so for those without commonly used written scripts.

5. The Government was trying to promote sex education so that girls who became pregnant did not drop out of school; schoolgirls who became pregnant were not forced to drop out.

6. **Ms. Pham** Thanh Binh (Viet Nam) said that the maternal mortality rate was three time higher in rural areas than in other parts of the country. The reasons were, firstly, that medical staff in the districts, villages and municipalities (*communes*) in mountainous areas were not sufficiently qualified; there were not enough obstetricians, for example. There was also a shortage of nurses and other health-care workers; only 32 per cent of villages in mountainous and remote regions had midwives, and only 50 per cent of those midwives received public funding. Secondly, there were insufficient resources for health care at the village level. Only some 80 per cent of the districts in mountainous areas were able to perform childbirth operations, and many lacked the capacity to deal adequately with such complications as post-partum haemorrhage, for example.

7. In order to tackle those problems, the Government was adopting the following measures: it would establish satellite hospitals in 33 provinces and train nurses and midwives for work in those areas. Further into the future, it would develop policies to attract doctors to remote and mountainous areas, it would have to increase the number of obstetricians, and it would have to change people's awareness about safe motherhood, particularly in the mountainous areas. A temporary measure used for vulnerable groups in the mountainous areas was to have midwives at the village level, because transport and travel were difficult in those areas, and women tended to give birth at home rather than in health-care centres; hence the Government was training village-level midwives so that they could help mothers give birth at home. The Ministry of Health had introduced clean delivery kits that provided the equipment needed for mothers to give birth safely at home. There were policies that provided for

public funding for midwives at the village level, but many provinces did not have the resources to be able to offer adequate support, and such support could be given to only 80 per cent of the midwives in remote areas. There were capacity-building projects for health-care workers at village level, and the Ministry of Health would soon ask the Government to provide enough infrastructure, and resources for training and facility maintenance. In order to ensure safe motherhood, the Ministry of Health was asking the Government to invest more in facilities and medicines through different projects under a national target programme.

8. Recent statistics had indicated that there were 300,000 to 400,000 abortions per year; there had been a reduction from 0.3 per cent in 2005 to 0.27 per cent in 2011. The Ministry of Health was trying to bring down the abortion rate still further by 2020, that being an objective of the National Target Programme on Population and Family Planning. It was intensifying public awareness-raising efforts to bring about behavioural change, encouraging people to use modern contraceptive methods. It also ran family planning campaigns directed mainly at young adults; distributed contraceptives at the community level; strengthened family planning programmes in order to reduce unwanted pregnancies; offered sex education in schools; ran an education programme on reproductive health; provided a young adult-friendly health-care service; and worked to improve services for safe abortions. The Ministry of Health would be advocating for adequate resources for birth control methods and devices and more comprehensive sex education, making it compulsory at school.

9. Turning to the issue of HIV/AIDS prevention, as of 30 May 2014, there had been 200,114 cases of HIV/AIDS, and more than 74,000 individuals had died of the disease. The number of new cases had fallen over the past seven years but was still high, at about 14,000 per year, on account of unsafe sex, intravenous drug use and sex work. A small-scale survey conducted in 2014 showed that sex workers and women with HIV faced higher rates of discrimination than men with HIV. To tackle the problem, the Government would focus on outreach efforts to bring about behavioural change. It had taken measures to prevent the transmission of HIV, including HIV tests and antiretroviral therapy, and it would provide antiretroviral therapy to pregnant and breast-feeding mothers, and to the spouses of persons living with HIV.

10. With regard to the issue of birth control, the Government believed that efforts should focus on awareness-raising about reproductive and sexual health, directed at girls and young women. It was implementing a national strategy on reproductive health for the period up to 2020. Reproductive health was also addressed in a strategy on youth and development that the Prime Minister had devised. The Government had developed a national plan on health-care protection for young people, and had improved education and communication campaigns aiming to improve young people's health. The plan had been implemented in 39 provinces to date, and was being extended throughout the country. A number of youth-friendly clubs and centres were organized under the plan that provided information and counselling and other health-care services for young people. The Government was also working with non-governmental organizations (NGOs) to implement communication strategies, bring about behavioural change, and educate young people on reproductive health care.

11. **Mr. Doan** Mau Diep (Viet Nam), referring to questions on employment, said that paid maternity leave had been extended from four to six months, during which time mothers of newborns were eligible for social insurance. The Government encouraged employees to take the full six months' leave so that they could take better care of their baby, and breast-feed for six months, as recommended by UNICEF. Some employees wished to go back to work earlier, but that was not encouraged, and the Government had launched awareness-raising campaigns informing female employees that it was

better to take the full six months of leave. It had also mobilized social organizations and the mothers' families to encourage mothers to take the full six months.

12. A gender pay gap existed and, although it was closing, much remained to be done to close it further. It was necessary to help female employees fulfil their obligations, ensure that employers paid fair wages and highlight the role of trade unions in preventing wage discrimination; it was also necessary for the Government to play the role of inspector, and oversee labour matters. Discrimination occurred during recruitment as well. Some employers' regulations stipulated, for example, that employees must not have babies during the period of their contract; such stipulations were against the law. The Government was working with trade unions to ensure that employers would not put in place such regulations.

13. With regard to women in the informal sector, the law, including the Labour Code, stipulated that jobs in both the informal and formal sectors were viewed as employment. The Government encouraged social insurance on a voluntary basis for employees in the informal sector, helped informal sector employees participate in such insurance and provided assistance so that they could work under safe conditions and benefit from occupational health.

14. There were other national programmes on employment, in which most of the budget had been earmarked for workers in the informal sector. Training was available for workers in rural areas, and most of the beneficiaries were informal sector employees. Some 60 to 67 per cent of the workforce worked in the informal sector, and the Government was making concerted efforts to extend the coverage of the law to those areas.

15. The International Labour Organization (ILO) had recommended that the Government raise the retirement age for men and women, but that was difficult, because it was necessary to have consensus from the employees themselves. A survey on the subject had found that about 80 per cent of women employees did not want to raise the retirement age to 60, equal to that of men. Even in the National Assembly, few voices supported raising the retirement age. However, the National Assembly had passed a resolution that would give employees the flexibility to choose either a lump sum payment or a monthly pension, and it had asked the Government to study the possibility of raising the retirement age on an incremental basis, leading eventually to men and women retiring at the same age. The list of prohibited jobs for women, which had been established in the 1970s, had since been shortened.

16. The Labour Code dealt with sexual harassment. The Ministry of Labour, Invalids and Social Affairs had recently worked with ILO to issue a workplace code of conduct for sexual harassment, which had been endorsed by employers and employees. However, it was currently being revised, following suggestions that it be made compatible with the culture of Viet Nam. By the end of year, the Government would take stock of its implementation, and devise possible sanctions for serious cases.

17. With regard to migrant workers from other areas of the country, the Government had instructed local authorities to take various measures, such as encouraging employers in industrial zones to build childcare centres, and many employers had done so. It used to be the case that persons were covered by social insurance only in the town of their place of residence, but this had changed. In the long run there would be no restrictions preventing migrant workers from accessing basic services in other areas of the country, including childcare, health care and education.

18. With regard to domestic workers, who were vulnerable in various ways, the Government had submitted a draft decree governing matters including their working conditions and paid leave. However, supervision by the community was necessary to ensure that its provisions would be carried out; moreover, domestic workers could

form associations to protect their rights. Domestic workers were the new target group in the Government's decree, but that group's rights would be better promoted with appropriate reporting and monitoring mechanisms.

19. **Ms. Haidar** said that she would welcome information on the budget for the implementation of the plan of action, and on the monitoring and evaluation of other objectives listed in that plan. The rate at which girls were dropping out of school was high. Most girls left school to help their families with housework and care work, and in some cases because of their economic situation and inability to pay for tuition. Would these aspects of school abandonment be taken into account in remedial measures? She would welcome further information on how the problems of adolescent pregnancy and child marriage would be tackled. It was necessary to improve the collection and analysis of sex-disaggregated data throughout the education sector so as to be able to measure progress; how did the Government intend to address that?

20. **Ms. Arocha Domínguez** underscored the negative effects of gender stereotyping on women's health and requested more information on the stigmatization of women with HIV/AIDS and of prostitution. She was concerned at prevailing attitudes according to which a boy child was preferable to a girl and asked what measures had been adopted to prevent pre-birth gender identification in hospitals and especially in private clinics. Sexual education should be provided not only to girls and young women but also to boys and young men, who shared the responsibility for preventing unwanted pregnancies. Boys and men should also be educated to assume a greater role in the home and in the care of children.

21. **Ms. Patten**, with regard to article 11 of the Convention, on employment, enquired whether the State party had any plans to review the legal situation of guest workers, including those with contracts abroad. She said that she also wondered whether any mechanisms existed to monitor recruiting agencies and the working conditions and contract terms they offered to guest workers and whether migrant workers and their families had access to all social services, including health care, in particular sexual and reproductive health care. The State party should take steps to eliminate the gender pay gap and work with social partners to ensure that women had equal remuneration for work of equal value. The lack of job opportunities in the formal sector was forcing women to work in the informal sector, where they were more vulnerable because they did not have social security coverage or insurance and were not covered by the Labour Code. She wondered how the State party intended to remedy that situation.

22. **Mr. Tran** Kim Tu (Viet Nam) said that under the Education Sector Action Plan funds had been allocated for the preparation of new textbooks that would eliminate gender stereotypes, although no review of those new materials had as yet been undertaken. With regard to the previously high dropout rates for girls, he was pleased to report that currently some 98 per cent of girls attended school, more than double the figure for 2010; in 2014–2015 more than 3 million girls had attended school. Currently, at the primary level, 3.6 million of the 7.7 million pupils were girls.

23. Sexual education was being mainstreamed in the schools to inform students about the importance of avoiding unwanted pregnancies. If a girl did become pregnant she was provided with assistance and support and encouraged to return to school and continue her studies. He noted that girls were more likely to leave school than boys for economic reasons, because they were needed to help at home. Changing such attitudes would be an important part of the reforms to the education sector.

24. **Mr. Doan** Mau Diep (Viet Nam) said that according to the most recent statistics, in 2014 nearly 10 per cent of children aged 5 to 17 were working, a figure similar to other countries and in fact lower than in most developing countries according to ILO

statistics. His Government was cooperating with the United States Agency for International Development (USAID) to reduce and eliminate child labour, in particular in the 5–11 age group. Eight million dollars had been allocated for those efforts.

25. With a view to keeping children in school, a pilot programme had been launched to provide parents with grants if their children attended school; that programme would be extended to the entire country. In mountainous regions families received up to 15 kilograms of rice as well as cash incentives for ensuring that their children, both boys and girls, attended school. He expected that dropout rates would therefore continue to fall, in particular for girls.

26. **Ms. Pham** Thanh Binh (Viet Nam) said that, although her Government did have programmes to prevent the stigmatization of sex workers and persons living with HIV/AIDS, that stigma continued to exist, and to a greater extent for women than men. The State party would continue to increase public awareness of those issues with a view to eliminating discriminatory attitudes, in particular with regard to women. Information campaigns would explain how HIV was transmitted, highlight the negative effect of stigmatization on the persons concerned and explain that HIV was not a social vice and that infected persons were not bad people. Former sex workers had been recruited to work with sex workers to inform them on how to protect themselves, for example by using condoms to reduce the spread of sexually transmitted infections.

27. **Mr. Doan** Mau Diep (Viet Nam) said that while there might be some difference in attitudes towards women and men prostitutes, prostitution in general was considered to be an undesirable activity that no one should practise. As for pre-birth gender selection, he said that foetal sex selection was prohibited but it was difficult to monitor and punish that practice, in particular in private clinics. More would be done to educate doctors in the public and private health-care systems about the need to eliminate gender selection but it would take time to change attitudes. More must likewise be done to stress with the public that the birth of any child, boy or girl, was a cause for joy.

28. **Ms. Phan** Thanh Binh (Viet Nam) said that, in order to prevent gender selection and correct the gender imbalance at birth, her Government, in consultation and cooperation with the People's Committees and the Viet Nam Fatherland Front, intended to introduce measures to strengthen supervision of private hospitals.

29. **Mr. Nguyen** Van Binh (Viet Nam) said that the situation of migrant workers was currently under review by the National Assembly. He emphasized that there was an accreditation process for recruitment agencies, which had to provide job seekers with information on procedures, fees and wages so that workers could make an informed choice of where they wished to work. Lists of accredited agencies were made available by local authorities. Furthermore, a hotline had been established for the reporting of any abuses.

30. Migrant workers were not subject to any administrative obstacles; they were free to work anywhere and for any employer. Internal migrant workers could register their residency and their children would be entitled to attend school in their place of residency, with more places in childcare centres and schools opened as needed. Migrant children also had access to health care wherever they resided and the parents could subscribe to health insurance to ensure access to health care and social services. In some cases migrant workers might have to pay higher utility charges because those were determined by their landlord.

31. He stressed that, in accordance with article 63 of the Constitution, women were entitled to equal pay for equal work but acknowledged that given the lack of employment opportunities some employers were able to impose unfavourable working

conditions, especially for women workers. There were civil society organizations that tried to help such workers assert their rights and local organizations provided assistance to them but much remained to be done to improve their lot.

32. **Ms. Pomeranzi**, with regard to article 13, said that despite the great economic and social progress in Viet Nam women continued to face economic and social discrimination and lack of employment opportunities in the private sector. She was concerned that the vast majority of workers in both the agricultural and non-agricultural informal sectors were women and enquired what measures were planned to assist women, including older women, in the informal sector, with regard to social protection, transition to the formal labour market and entrepreneurship.

33. It was often difficult for women to achieve financial independence because they did not have any experience in preparing the business plans that banks required for the granting of credit. Although the report indicated a number of programmes aimed at facilitating women's access to credit, she asked for more information on such programmes, the amounts involved and what percentage of the national budget they represented. She wondered if the State party envisaged measures, in cooperation with NGOs and civil society groups, to assist vulnerable women, including those from the most disadvantaged communities, for example ethnic minority women who found themselves in situations tantamount to slavery as they worked to pay off high levels of debt.

34. **Ms. Acosta Vargas** said that economic growth could have an effect on the social and economic situation of women. Given the high rate of internal migration to urban areas, women currently made up 70 per cent of the agricultural workforce and she asked what steps had been taken to eliminate gender stereotypes by providing them with training and strengthening their role in decision-making in the agricultural sector at the local, regional and national levels.

35. Although the 2013 Land Law required that land-use certificates be issued in the names of both spouses, she wondered what percentage of certificates actually did so, what would be the situation of a widow if her name was not listed and how many certificates showed a single woman as sole user. She asked if there was any follow-up mechanism to the Land Law to ensure that all certificates were in conformity with the Law and if there was any mechanism for the resolution of disputes relating to land use. Ethnic minority women were often not included in land-use certificates and she asked whether the Land Law had been translated into minority languages and widely disseminated. More information should also be provided on measures to increase women's access to microcredit and bank loans.

36. She took note of the State party's commitment to increase efforts to communicate information about policies to ethnic minorities in all languages. She wondered whether the 2013 Constitution and other national laws that had incorporated the provisions of the Convention would be widely disseminated, in particular with a view to raising women's awareness of their right to seek redress if their rights were violated. She also asked whether the promotion of women's rights was being approached in an intercultural manner involving all rights and all groups.

37. **Mr. Dang** Van Nghi (Viet Nam) said that his Government had made it a priority to facilitate poor women's access to credit; significant resources had been allocated to credit programmes in general and were disbursed without regard to the gender of the applicant. A loan scheme had been launched to help poor households, which also had access to financial assistance through the Viet Nam Women's Union and the National Fund for Employment. He pointed out that unlike the situation with banks, applicants for government credit assistance did not have to submit a financial plan.

38. Temporary special measures had likewise been implemented to improve the situation of women heads of household, for example the fund for assisting poor women; all requests for assistance from women heads of households had been approved. He did not know what proportion of the national budget those efforts represented but he said that US$ 2 million would be disbursed in 2015; 2.4 million households had received assistance from credit programmes in 2011–2015, helping lift 1.1 million of them out of poverty. The National Fund for Employment currently had over 337,000 clients and had helped more than 600,000 people find jobs.

39. **Mr. Pham** Ngoc Tien (Viet Nam) said that a series of measures had been taken to facilitate rural women's access to the formal labour market, including the introduction of a vocational training programme and tailored credit and loan facilities. Special measures had also been developed for rural women from ethnic minority backgrounds and careers advice had been offered in partnership with NGOs in the main national minority languages. As to property ownership, land-use certificates were issued in both spouses' names in the case of married couples. Single or widowed women could apply for land-use certificates in their own name as long as they could provide the necessary documentary evidence of their rightful claim to the land or property in question.

40. **Ms. Pomeranzi** asked whether the State party had devised a specific national policy to support the economic development of women and, if so, what proportion of the national budget had been allocated for its implementation. She also wished to know whether NGOs played an active role in facilitating women's access to credit.

41. **Ms. Acosta Vargas** said that she would like information disaggregated by marital status on the number of women who had been able to obtain land-use certificates in their own name. She also wished to know what complaint and dispute resolution mechanisms were available to women under the 2003 Land Law and whether awareness-raising campaigns had been conducted to inform women of their land-use and property rights.

42. **Ms. Zou** Xiaoqiao asked what mechanisms had been introduced to monitor the implementation of the Land Law. She also wished to know whether policies and strategies had been developed to tackle climate change and natural disasters which took into account the specific needs of rural women and included a gender perspective.

43. **Mr. Doan** Mau Diep (Viet Nam) said that the Government had introduced many national credit schemes for women and worked in close partnership with NGOs to identify the groups of women most in need of assistance. It was impossible to provide an exact figure of the total amount of the national budget allocated to facilitating women's access to loans, as the amount fluctuated so frequently. For example, however, the National Employment Fund had disbursed over US$ 400 million worth of loans to women since its inception in the late 1990s. Regarding women's land-use and property rights, the Government provided vocational training and financial compensation to women whose land had been expropriated and had established a comprehensive monitoring mechanism to ensure the effective de facto implementation of the amended Land Law.

44. **Mr. Bach** Quoc An (Viet Nam) said that the Marriage and Family Law clearly stated that land and property accumulated during the course of marriage was considered as the common assets of both spouses, regardless of whether the wife's name appeared on the land-use certificate, and the wife's signature was required in the event of any transfer of land-use rights.

45. **Mr. Doan** Mau Diep (Viet Nam) said that the Government had developed comprehensive policies and strategies to tackle climate change and natural disasters

which took account of the needs of all members of society, including women and children. The delegation would provide written replies regarding the scope of those activities at a later date.

46. **Ms. Leinarte** asked whether the Government intended to repeal the negative gender stereotypes contained in the Marriage and Family Law, particularly in regard to parental responsibilities, and ensure that the minimum legal age for marriage was set at 18 years for both men and women, as previously recommended by the Committee. She also wished to know what measures had been taken to clarify the application of customary law and the provision of property certificates to facilitate division of property and ensure that women benefited from the same inheritance rights as men. In addition, she asked whether national legislation provided for recognition of same-sex relationships and contained measures on division of property for couples in de facto relationships. Similarly, she asked whether the Government had introduced mechanisms to monitor the implementation of the Marriage and Family Law, including the prevention of child marriage, in particular in remote and rural areas where the practice remained widespread. Lastly, she asked whether the Government intended to remove the penalties imposed on couples who failed to adhere to the national two-child policy and amend the National Population and Reproductive Health Strategy for the period 2011–2020 so that it supported the right of individuals or couples to decide on the timing, number and spacing of their children.

47. **Mr. Bach** Quoc An (Viet Nam) said that articles 16 and 17 of the Marriage and Family Law granted equal rights to men and women in all aspects of life, including in respect of property ownership, employment and parental responsibility. The amended Civil Code also afforded women equal inheritance rights on the same basis as men. However, more work would be required to tackle the prevailing discriminatory gender stereotypes and move towards the effective de facto implementation of both pieces of legislation. The Government had recently submitted a proposal to the National Assembly to set the minimum age for marriage at 18 for both men and women, which had been rejected by majority vote on the basis that the national average age for a first marriage was consistently higher than the minimum age provided for by law. Steps had, however, been taken to amend the Criminal Code to strengthen the penalties for early and forced marriage and to increase the number of awareness-raising and education campaigns to combat those practices. As to the application of customary law, he stressed that customary traditions and practices in the country were not accepted as law under any circumstance.

48. **Mr. Doan** Mau Diep (Viet Nam) said that the two-child policy had worked well since its introduction in the 1970s. The Government was in the process of revising its National Population and Reproductive Health Strategy and intended to conduct in-depth public consultations on the matter before drafting the final version of the text.

49. **The Chairperson** thanked the delegation of Viet Nam for the fruitful dialogue with the Committee. The Committee commended the State party for its efforts and encouraged it to take all necessary measures to fully implement the Convention for the benefit of all women and girls in the country.

50. **Mr. Doan** Mau Diep (Viet Nam) thanked the Committee members for their insightful comments and recommendations. He said that the Government remained committed to implementing the Convention and would strive to build an equal and fair society for all Vietnamese women and girls.

The discussion covered in the summary record ended at 5 p.m.